

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

**DECLARATION OF AARON ROSS IN SUPPORT OF AMAZON.COM, INC.'S
REQUEST TO SEAL DOCUMENTS AND DATA AT REMEDIES TRIAL**

I, Aaron Ross, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am in-house counsel at Amazon. My title is Senior Corporate Counsel.
2. I submit this declaration in support of Amazon's Request to Seal Documents and Data at Remedies Trial.

3. The contents of this declaration are based on my personal knowledge of Amazon's business practices and the information and documents relevant to competitive decision-making within Amazon's marketing business. If called as a witness in this action, I could and would testify competently as to the contents of this declaration.

4. I understand that the parties in this case have included in their exhibit lists certain information and data that Amazon produced in this case and designated Confidential or Highly Confidential under the applicable protective orders. Further, I understand that this Court has permitted any party or non-party opposing the public disclosure of this confidential information to file a request to seal with a proposed acceptable redaction of the information. Amazon has requested copies of the documents at issue, but the parties have not provided all of them or

unredacted versions of all of them, explaining that some of them contain other parties' and third parties' confidential information as well. Accordingly, I describe the documents and Amazon's information contained within them to the best of my ability based on the information that the parties have provided.

5. The materials described below contain Amazon's confidential and competitively sensitive information, the disclosure of which would work severe harm to Amazon's marketing business and the competitive landscape. Specifically, Amazon respectfully requests that the Court maintain the following materials under seal:

- **Google's Exhibit List:**

- **AMZNDOJ0247645** (data extracted from Amazon's database systems, the redaction of which is not feasible). This is raw data concerning Amazon's impressions and revenue across different platforms and services. Public disclosure would cause irreparable harm to Amazon's competitive position. Public disclosure would enable Google, other ad publishers, and other competitors to unfairly leverage that non-public information in negotiations with or competition against Amazon, resulting in severe harm to Amazon and to the competitive landscape.
- **AMZNDOJ0023642** (business email). Describing conversations held between Amazon account managers and other ad publishers, including the strategic thoughts of those ad publishers and how Amazon could best meet their business needs. This is a detailed, lengthy, single-spaced document filled with sensitive business information. Google has not provided information about what specific portions will be used at trial such that Amazon could identify the necessary redactions, if any. Amazon therefore respectfully requests that the document remain sealed. Public disclosure would permit Google, other ad publishers, and other competitors to interfere with Amazon's strategy, as well as the strategy of the 19 other ad publishers mentioned within. Public disclosure would enable competitors to undercut Amazon in negotiations with these ad publishers, resulting in severe harm to Amazon and to the competitive landscape.
- **AMZNDOJ0159229** (business email). Discussing the advertising business's goals and challenges, including discussions regarding responding to developments with Amazon's competitors and business partners. Amazon has included with this filing a redacted version of this document. *See Exhibit E.* Public disclosure would enable Amazon's competitors to interfere with Amazon's marketing strategy by using that

information to extract concessions from Amazon.

• **DOJ's Exhibit List:**

- **PRX136 and AMZNADTECH-AGG-LIT-00000003.001** (data extracted from Amazon's database systems, the redaction of which is not feasible). This is voluminous raw data concerning Amazon's revenue, fees, impressions, clicks, and additional data. Public disclosure would cause irreparable harm to Amazon's competitive position. Public disclosure would enable Google, other ad publishers, and other competitors to unfairly leverage that non-public information in negotiations with or competition against Amazon and/or Amazon's customers, resulting in severe harm to Amazon and to the competitive landscape.

6. To my knowledge, the information in the documents set out above is not available to the public. Amazon's marketing and advertising businesses take steps to protect the information as confidential, including by investing in state-of-the-art software and hardware systems that provide for only authorized access to the information.

7. If the information listed above were to be publicly disclosed, Amazon's competitors could misuse it, such as by designing bids to undercut Amazon's prices, unfairly leveraging non-public information in negotiations with Amazon, or gaining insight into future Amazon products or service offerings. These unauthorized uses of Amazon's information would work severe harm to Amazon and to the competitive landscape.

8. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed September 5, 2025 in Seattle, Washington.

/s/ Aaron Ross
Aaron Ross